

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Year 2000 Biennial Regulatory Review
Amendment of Part 22 of the
Commission's Rules to Modify or
Eliminate Outdated Rules Affecting
the Cellular Radiotelephone Service
and other Commercial Mobile Radio
Services

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WT Docket No. 01-108

Comments of CenturyTel Wireless, Inc.

CenturyTel Wireless, Inc. ("CenturyTel"), through its undersigned counsel, hereby submits its comments in the above-referenced proceeding¹ in which the Commission has proposed various revisions to Part 22 of its Rules, governing cellular radiotelephone service.

Based on population equivalents, CenturyTel is the 8th largest wireless company in the United States. CenturyTel's subsidiaries and partnerships operate cellular systems, governed by Part 22 of the Commission's Rules, in six states: Wisconsin; Michigan; Mississippi; Arkansas; Texas; and Louisiana. CenturyTel's markets are largely rural in nature, and all of CenturyTel's cellular systems provide Advanced Mobile Phone Service ("AMPS") analog service. Thus, the Commission's proposed revisions to its rules governing cellular service have a direct impact on CenturyTel's operations.

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¹ Year 2000 Biennial Regulatory Review - Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and other Commercial Mobile Radio Services, *Notice of Proposed Rulemaking*, WT Docket No. 01-108 (released May 17, 2001) ("NPRM").

I. Introduction

CenturyTel supports a number of the Commission's proposals to modify or eliminate various Part 22 Rules as outdated and superfluous. CenturyTel applauds Commission efforts to reduce unnecessary regulation, particularly when it hampers carrier flexibility.

However, CenturyTel disagrees with the Commission suggestion to entirely eliminate its original narrowband analog channelization plan. Narrowband analog facilities and systems must still be coordinated with digital systems, and CenturyTel has found the existing channelization plan provides an important legal guideline for protecting its narrowband analog systems from interference from neighboring wideband digital systems.

CenturyTel also believes that the Commission's proposal to eliminate its requirement that cellular carriers provide analog service rules is premature. Subscribers who travel in rural areas rely upon the "universal" wireless service provided by existing analog networks. In the interest of the roaming public, CenturyTel recommends that the analog service rules be maintained until an alternate wireless service is available nationwide.

With respect to the Commission's proposal to eliminate its electronic serial number ("ESN") rules, CenturyTel wishes to alert the Commission that many carriers' billing and authentication systems rely on the broadcast ESN. If handsets are no longer required to incorporate ESNs, carriers such as CenturyTel will be required to replace their billing and authentication systems, at considerable expense, to recognize non-ESN handsets. Smart-card technology may certainly be an attractive innovation, but only so long as these cards utilize ESNs that can be recognized by all cellular systems.

The Commission should also maintain its regulation governing incidental Public Mobile Radio Services. While the Commission has provided CMRS Part 22 service providers increased

flexibility in the provision of additional services, the incidental services rule still plays a role in demonstrating the permissibility of novel, advanced services utilizing Part 22 frequencies.

II. Elimination of the Analog Channelization Rule is Premature

In its NPRM, the Commission proposes removing Rule 22.905, which specifies the channels over which analog systems must operate. The Commission suggests that "analog service is well established nationwide," and that "removing the plan from the rules would not pose any risk of decreased cellular technical compatibility."

CenturyTel respectfully disagrees with the Commission's position, because, based on its own experience, narrowband analog carriers that coordinate with wideband digital systems rely on the channelization rule as a benchmark for the scope of their primary interference protection. Because wideband digital carriers are not constrained, as narrowband analog carriers are, to the 30 kHz channels specified in the channelization plan, it is important for narrowband analog carriers to be able to point to a specific legal basis for frequency protection of their system operations. CenturyTel therefore proposes that the Commission maintain its channelization rule, perhaps modifying it to make clear that the rule only governs the provision of narrowband service.

III. Elimination of the Analog Cellular Compatibility Standard is Premature

The Commission has also proposed eliminating its requirement that cellular systems provide AMPS or analog service. CenturyTel believes that the Commission's proposal is premature. Subscribers who travel in rural areas rely upon the "universal" wireless service provided by existing analog networks. In the interest of the roaming public, CenturyTel

recommends that the analog service rules be maintained until an alternate wireless service is available nationwide.

For those customers that desire nationwide roaming, access to analog cellular service while roaming is still the only true option. Across the country, PCS systems are still being constructed and expanded without a common digital standard, and thus PCS service is not yet truly ubiquitous. Even in urban areas, where PCS licensees have met substantial service requirements, there are still rural parts of these market that are being built out.

Smaller and rural markets, of course, have even less PCS coverage. Certainly, new PCS systems are coming on line or adding additional coverage every week, but complete PCS coverage, permitting true nationwide roaming, will not be available for some time.

Another function that permits nationwide roaming is the availability of dual-mode cellular handsets with both digital and analog capability. Because TDMA, CDMA, and GSM digital technologies are not yet interoperable, a customer with a TDMA handset cannot roam in a GSM cellular market unless his or her handset also has analog capability. Although the Commission correctly recognizes that triple-mode handsets will overcome this problem, these handsets should not be the sole option by which customers can obtain nationwide roaming.

A day will come when analog service will have fulfilled its current purpose of providing nationwide service to customers who value the ability to roam. Until viable nationwide roaming options are more widely available, however, the Commission should not act in haste by eliminating its narrowband service requirements.

IV. Complete Elimination of All Electronic Serial Number Requirements May Have a Costly Impact on Cellular Carriers

The Commission proposes to eliminate Section 22.919 of its Rules, containing its ESN requirements for cellular handsets, to permit the proliferation of smart card technology. (Smart cards contain the end user's account information and can be transferred from handset to handset.) Under the Commission's current Rules, ESNs are unique numbers that are implanted in every cellular handset and that cannot be altered. In the NPRM, the Commission states that hard-wired ESNs have served their purpose of preventing cellular "cloning" fraud by which ESNs could be captured and duplicated in handsets to charge calls to the accounts of unsuspecting customers.

While *hardened* ESNs certainly are intended to prevent cellular fraud, ESNs also serve another purpose: they are used by cellular systems as a means for handset authentication as well as a billing identifier. CenturyTel and other carriers have installed expensive billing and authentication systems which are based on the ESN. CenturyTel is concerned that if the Commission eliminates its ESN requirements entirely, CenturyTel will be forced to replace its authentication system and billing systems, in order to recognize non-ESN handsets, at great expense.

CenturyTel therefore proposes that if the Commission wishes to encourage "smart-card" technology, the Commission should make clear that such smart cards must include an ESN. While the expansion of the handset market may be a laudable goal, it should not occur at the expense of carriers, such as CenturyTel, who have incurred large costs in reliance on the Commission's Rules.

V. The Commission Should Maintain its Rule Governing Provision of Incidental Services by Part 22 Public Mobile Radio Service Carriers

The Commission has suggested that it should eliminate Section 22.323 of its Rules, regulating the provision of incidental services over Part 22 Public Mobile Radio Service frequencies. CenturyTel respectfully disagrees with the Commission's proposal, and requests that the rule remain in some form. While it is true that the Commission has provided cellular carriers increased flexibility to provide fixed services, for example, the incidental services rule still plays a role in affirmatively supporting the provision of novel services over all Part 22 frequencies. The Commission may wish to modify this Rule to remove some of the conditions currently included, but the Rule should be retained as confirmation that the Commission permits such services and that they are accorded the same regulatory treatment as other CMRS offerings.

VI. CenturyTel Supports the Commission's Proposals to Relax or Eliminate Additional Rules Governing Cellular Service

The Commission has proposed relaxing its wave polarization standard; privatizing the issuance of System Identification Numbers ("SIDs"); and eliminating or modifying a variety rules governing commencement of service, financial qualifications, trafficking in cellular licenses, and holding interests in multiple applications for new cellular systems. CenturyTel supports each of these Commission proposals.

CenturyTel concurs with the Commission's suggestion to relax the wave polarization standard in Section 22.367(a)(4) of its Rules. Cellular carriers should have the flexibility to use cross-polarized antennas in the cellular service frequencies.

CenturyTel also agrees with the Commission proposal to permit the assignment of system identification numbers (SIDs) by private entities such as CIBERNET. CenturyTel also proposes

that all SIDs be publicly posted, or available in published lists to requesting carriers, to assist carriers in system design.

In addition, CenturyTel supports the Commission's planned modification of the Commission Rules governing the commencement of cellular service and the deadlines for construction in Section 22.946 of the Commission's Rules. Given the state of deployment of cellular service, service commencement requirements for the first 90 markets are no longer necessary. CenturyTel also agrees that there is no need for the prohibition on serving only roaming customers; given the state of competition in the provision of wireless service, this requirement is no longer needed.

CenturyTel concurs with the Commission that its financial qualification and anti-trafficking rules in Sections 22.937 and 22.943 are no longer relevant in their present form. CenturyTel agrees that the financial qualification requirements for cellular licensees in Section 22.937 are not needed except in comparative renewal proceedings. Prohibitions on trafficking in cellular licenses (in Section 22.943) are also unnecessary except with respect to licenses for unserved areas.

The Commission should also eliminate Section 22.945 of its Rules, prohibiting interests in multiple applications for new cellular systems in the same market. This Rule is indeed obsolete in light of the Commission's provision for competitive bidding (and prohibition on lotteries) for awarding cellular licenses.

VII. Conclusion

CenturyTel supports many of the Commission's proposals to modify or eliminate unnecessary, outdated cellular service rules. However, with respect to its Rules governing the channelization of analog cellular service, the inclusion of ESNs in handsets, and the requirement that cellular carriers provide AMPS analog service, the Commission should carefully review all of the repercussions of eliminating these Rules so as not to unduly harm cellular carriers. While CenturyTel certainly supports deregulation in most of its forms, certain regulations still serve a purpose, and the Commission should fully understand the degree to which customers obtain, and carriers provide, cellular service in reliance on these Rules.

Respectfully submitted,


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